IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Pawani & Ors. Vs. State of Rajasthan & Anr.
S.B. CR. REVISION PETITION NO.875/2006

Against order dated 01.09.2006 passed by Addl. District & Sessions Judge (Fast Track), Jalore Camp Bhinmal in Sessions Case No.56/06 (21/06) – State Vs. Smt. Pawani Bano & Ors.

DATE OF ORDER :: 14th November, 2006.

PRESENT

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. P.K. Sharma for petitioners.

BY THE COURT:

In this petition under Sec.397 read with Sec.401 Cr.P.C. the petitioners have challenged order dated 01.09.2006 passed by Addl. District & Sessions Judge (Fast Track), Jalore Camp Bhinmal in Sessions Case No.56/06 (21/06) framing charge against petitioners Pawani & Ors. under Sec.306, 498A of the Indian Penal Code.

The contention of the learned counsel is that in the instant case no charge could have been framed under Sec.306 of the IPC against the petitioners. In this connection, the learned counsel has invited my attention towards the statements of Smt. Hazara Bano and Shri Asgar and also to other statements recorded in the case. The learned counsel submits that the trial Court has committed serious illegality in the absence of material available on record, therefore the revision petition requires admission and disposal on merits and the proceedings in the trial Court requires to be stayed. In support of his submissions, the learned counsel has placed reliance on Manish Kumar Sharma Vs. State of Rajasthan (1995 Cri.L.J. 3066).

I have considered the submissions made before me and perused the chargesheet and the statements recorded in the case.

A perusal of the First Information Report clearly indicates that the allegations of maltreatment towards the deceased prima facie are there and charge under Sec.306

and 498A IPC has been framed against the mother-in-law regarding whom the evidence has come on record to the effect that she used to maltreat the deceased and also humiliated her to the extent that she should not show her face to her and in these circumstances, the deceased committed suicide. The other two petitioners charged in this case are her Jeth and the father-in-law. It is not necessary for me to go into the niceties and interpretation of the evidence at this state. It is suffice to say that at the time of framing charge the trial Court should be satisfied that material available on record is sufficient to frame charge and in such circumstances the Court can frame the charge. It is also not essential for the trial Court to consider the matter in detail and to conduct any enquiry and to go into the defence of the accused. The learned trial Court has considered the matter giving reasons and it appears that the learned trial Court after examining the material available on record came to the conclusion that there was sufficient material available on record to frame the charge, therefore, the charges against the accused petitioner were framed.

In the case of Manish Kumar, the facts were different inasmuch as that for refund of loan amount persistent demands were made and the lady committed suicide whereas in the present case, the facts are that the deceased on account of cruel behaviour at the hands of in-laws ultimately committed suicide on being instigated by the mother-in-law to the extent that she should not show her face. The authority cited does not help the petitioners of the present case.

In view of above, the order passed by the learned trial Court suffers from no infirmity or illegality which calls for interference by this Court in revisional jurisdiction.

The revision petition being devoid of merit, stands dismissed.

(SATYA PRAKASH PATHAK) J.

/jpa